

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutheron & Plaza Blanca,
Cañones Creek, Village of Chama

MOTION TO SET ASIDE ENTRY OF DEFAULT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. P. 55(c) respectfully requests the Court to set aside the entry of default for the following defendants in the Rio Brazos subsection of Section 7:

Daphne Kim Tribble CHCV-002-0019

Jose B. Roybal Living Trust CHRB-004-0002

As grounds therefore Plaintiff states:

1. The Clerk’s Certificate of Default with respect to Daphne Kim Tribble was entered on April 30, 2007 (Docket No. 8635). The Clerk’s Certificate of Default with respect to Jose B. Roybal Living Trust was entered on October 2, 2006 (Docket No. 8400).

2. The above-named defendants have approved Consent Orders with respect to the subfiles listed above, and those Consent Orders were filed with Court on October 12, 2007 (Docket Nos. 8953 and 8954).

3. The entry of default with respect to the defendants named above should be set aside to

clear the record.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to set aside the entry of default for the above-named defendants.

DATED: October 19, 2007

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 phone
(505) 867-2299 facsimile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of October, 2007 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Daphne Kim Tribble
139 Solana Dr.
Santa Fe, NM 87501

Jose B. Roybal Living Trust
c/o Fred Delgado
P.O. Box 239
Tierra Amarilla, NM 87575